AMENDED IN ASSEMBLY JULY 17, 2001

AMENDED IN ASSEMBLY JULY 5, 2001

AMENDED IN SENATE MAY 16, 2001

AMENDED IN SENATE APRIL 3, 2001

SENATE BILL No. 1112

Introduced by Senator Polanco
(Principal coauthor: Senator Escutia)
(Coauthors: Assembly Members Shelley and Steinberg)

February 23, 2001

An act to amend Sections 10, 12a, and 135 of the Code of Civil ~~Procedure, and to amend Sections 68071 and 68072 of the Government Code~~ *Procedure*, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1112, as amended, Polanco. ~~Court rules~~ *Courts: judicial holidays*.

~~Existing law provides for the effective date of court rules adopted by the Judicial Council and trial courts.~~

~~This bill would make conforming changes to those provisions, relating to trial court rules, by deleting references to a municipal court.~~

Existing law designates state holidays. Existing law adopts those state holidays, with the exception of Admission Day and Cesar Chavez Day, as judicial holidays.

This bill would include Cesar Chavez Day as a judicial holiday.

Existing law defines holidays, for purposes of the Code of Civil Procedure, to be state holidays, with specified exceptions.

This bill would revise that definition of holidays, to reference, instead, judicial holidays.

Existing law provides that if the last day for the performance of any act provided or required by law is a state holiday, excluding Martin Luther King Day and Cesar Chavez Day, and including Admission Day, then the period is extended to the next court day that is not a holiday.

This bill, instead, would provide that if the last day for the performance of any act provided or required by law is a judicial holiday, then the period is extended to the next court day that is not a holiday.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

1　SECTION 1.　Section 10 of the Code of Civil Procedure is
2　amended to read:
3　10.　Holidays within the meaning of this code are every
4　Sunday and any other days that are specified or provided for as
5　judicial holidays in Section 135.
6　SEC. 2.　Section 12a of the Code of Civil Procedure is
7　amended to read:
8　12a.　(a) If the last day for the performance of any act
9　provided or required by law to be performed within a specified
10　period of time is a holiday, then that period is hereby extended to
11　and including the next day which is not a holiday. For purposes of
12　this section, "holiday" means all day on Saturdays, all holidays
13　specified in Section 135 and, to the extent provided in Section 12b,
14　all days which by terms of Section 12b are required to be
15　considered as holidays.
16　(b)　This section applies also to Sections 659, 659a, 946, and
17　974 to 982, inclusive, and the periods of time severally therein
18　prescribed or provided for, and to all other provisions of law,
19　however stated or wherever expressed, providing or requiring an
20　act to be performed on a particular day or within a specified period
21　of time. The mention of these sections is not intended and shall not
22　be construed to exclude the application of this section to any other
23　provisions of law, whether the latter are expressed in this or any
24　other code or statute, ordinance, rule, or regulation.
25　SEC. 3.　Section 135 of the Code of Civil Procedure is
26　amended to read:

1   135.   Every full day designated as a holiday by Section 6700
2 of the Government Code, including that Thursday of November
3 declared by the President to be Thanksgiving Day, is a judicial
4 holiday, except September 9, known as "Admission Day," and
5 any other day appointed by the President, but not by the Governor,
6 for a public fast, thanksgiving, or holiday. If a judicial holiday falls
7 on a Saturday or a Sunday, the Judicial Council may designate an
8 alternative day for observance of the holiday. Every Saturday and
9 the day after Thanksgiving Day is a judicial holiday. Officers and
10 employees of the courts shall observe only the judicial holidays
11 established pursuant to this section.
12   SEC. 4.   Section 68071 of the Government Code is amended
13 to read:
14   68071.   No rule adopted by a superior court shall take effect
15 until the January 1 or July 1, whichever comes first, following the
16 30th day after it has been filed with the Judicial Council and the
17 clerk of the court, and made immediately available for public
18 examination. The Judicial Council may establish, by rule, a
19 procedure for exceptions to these effective dates.
20   SEC. 5.   Section 68072 of the Government Code is amended
21 to read:
22   68072.   Rules adopted by the Judicial Council, the Supreme
23 Court, or a court of appeal shall take effect on a date to be fixed in
24 the order of adoption. If no effective date is fixed, those rules shall
25 take effect 60 days after their adoption. Rules adopted by a
26 superior court shall take effect as provided in Section 68071.

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